UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,619	11/29/2000	Pil Kyu Han	VZ-005	9521

32127	7590	03/25/2005	

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EXAMINER
LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/725,619	HAN, PIL KYU
		Examiner	Art Unit	
		Arrienne M. Lezak	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-12* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____ .
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____ .
4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

U.S. Patent and Trademark Office
PTOL-326 (Rev. 1-04)   **Office Action Summary**   Part of Paper No./Mail Date 03102005

DETAILED ACTION

1.   Applicant's arguments with respect to claims 1-12 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent US 6,697,103 B1 to Fernandez.

4.   Regarding Claim 1, Fernandez discloses a method of indicating the status of a

Digital Subscriber (DSL) demonstration kiosk to a centrally located monitoring station,

(Fig. 1; Col. 3, lines 43-47; Col. 15, lines 33-65; Col. 19, lines 22-25; & Col. 20, lines 6-

11), the method comprising:

-    establishing a DSL demonstration kiosk at a location accessible for users

to sample the services offered by a DSL connection, (Col. 15, lines 18-31

& Col. 17, lines 14-21), (Examiner notes that Fernandez specifically

teaches an electronic commercial transaction methodology, provided in a

local mobile or fixed "kiosk", (on a DSL network), for matching potential

buyer movement with fixed or mobile resources, which resources include

products or services. Though Fernandez does not specifically teach DSL

services, Examiner finds that providing DSL services would have been

obvious to one of ordinary skill in the art at the time of invention by

Applicant, especially in light of the fact that Fernandez teaches the

provision of services generally, on a DSL network, and at a kiosk. The

availability of the DSL network on a kiosk would obviously facilitate the

provision of DSL services on the same for mobile consumers.);

- connecting the DSL demonstration kiosk to the centrally located

monitoring station, said centrally located monitoring station comprising a

server computer, (Col. 2, lines 22-48), and a ping utility, (Col. 15, lines 32-

40 and Col. 17, lines 1-13), (Examiner notes;

- transmitting to the centrally located monitoring station an Internet Protocol

(IP) address assigned to the DSL demonstration kiosk, (Col. 3, lines 43-54

and Col. 5, lines 22-35);

- periodically transmitting a first message to the centrally located monitoring

station, the first message indicative of the status of the DSL demonstration

kiosk, (Col. 15, lines 32-40; Col. 17, lines 1-13; Col. 18, lines 35-48; and

Col. 19, lines 15-26).

Thus, Claim 1 is found to be unpatentable over considerable consideration of the

teachings of Fernandez.

5.   Regarding Claims 2 and 3, Fernandez discloses a method wherein a ping signal

is periodically received from the centrally located monitoring station, (per pending Claim

2), and a first message is transmitted in response to a ping signal received from the

centrally located monitoring station, (per pending Claim 3), (Col. 15, lines 32-40; Col.

17, lines 1-13; Col. 18, lines 35-48; and Col. 19, lines 15-26). Thus, Claims 2 & 3 are

found to be unpatentable over considerable consideration of the teachings of

Fernandez.

6.   Regarding Claim 4, Fernandez discloses the retransmitting of the DSL

demonstration kiosk IP address upon reboot of a kiosk, (Col. 15, lines 32-40; Col. 17,

lines 1-21; Col. 18, lines 35-48; and Col. 19, lines 15-26). Examiner notes the inclusion

of a diagnosis and corrective-action tool as incorporated within Fernandez capable of

ping testing. Such testing is used at any time, to detect and correct defective or

unresponsive server sites, which are subsequently removed until the problem is

resolved. Inherently, upon resolution of said problem, any ping test will cause a

retransmission of the kiosk IP address, as the ping reply obviously, if not inherently,

(Windows OS) includes an IP address. Further, Fernandez specifically teaches the

deactivation of a defective or unresponsive site, which deactivation obviously causes

the site to be in an inactive state, which inactive state obviously includes "off", and

which "off" state obviously requires a reboot in order to become "on" or active again.

Moreover, in the event that a site is deactivated, the same site would obviously need to

share its reactivation and availability, (once reactivated/rebooted), with the network, for

purposes of further communication. Thus, Claim 4 is found to be unpatentable over

considerable consideration of the teachings of Fernandez.

7.   Regarding Claim 5, Fernandez discloses a method wherein the first message

comprises recorded customer activity at the DSL demonstration kiosk, (Col. 14, lines

28-67; Col. 15, lines1-40; Col. 16, lines 8-23; and Col. 18, lines 35-48). Thus, Claim 5 is

found to be unpatentable over considerable consideration of the teachings of

Fernandez.

8.   Regarding Claim 6, Fernandez discloses a method of monitoring a DSL

demonstration kiosk from a centrally located monitoring station, the method comprising

the steps of:

-       establishing a connection with the DSL demonstration kiosk, (please see

        Claim 1);

-       periodically transmitting a ping signal to the DSL demonstration kiosk,

        (Col. 15, lines 33-40; Col. 17, lines 7-13; and Col. 19, lines 15-25);

-       waiting to receive a first message at a predetermined time, said message

        indicative of whether the DSL demonstration kiosk is in service, (Col. 15,

        lines 32-40 and Col. 19, lines 15-25);

-       if the first message is not received at the predetermined time, then

        recording the time at which the failure of the arrival of the first message is

        detected, (Col. 15, lines 9-65 & Col. 19, lines 15-25), (Examiner notes that

        monitoring obviously includes recording, especially in light of the fact that

        Fernandez teaches a diagnosis tool capable of simulation based on

        interpolated values between actual detected values and extrapolation

        according to actual historically detected values, wherein said values are

obviously recorded for purposes of analysis, and wherein said values

would obviously include system failure activity as part of the system

diagnosis); and

- generating an alert message, (Col. 15, lines 41-43).

Thus, Claim 6 is found to be unpatentable over considerable consideration of the

teachings of Fernandez.

9.   Regarding Claims 7-9, Fernandez discloses a method for transmitting a ping

signal to a DSL demonstration kiosk comprising determining and transmitting to the

kiosk IP address, (per pending Claim 7), (Col. 4, lines 50-54), wherein the IP address is

determined by database look-up, (per pending Claim 8), or from a message received

from the kiosk, (per pending Claim 9), (Col. 17, lines 3-13 and Col. 18, lines 35-48).

Thus, Claims 7-9 are found to be unpatentable over considerable consideration of the

teachings of Fernandez.

10.   Regarding Claims 10-12, Fernandez discloses a method comprising the

transmission of an alert message, (per pending Claim 10), (Col. 15, lines 33-44), to a

pager, (per pending Claim 11), or a telephone number, (per pending Claim 12), (Col. 6,

lines 59-67; Col. 7, lines 1-55; and Col. 20, lines 21-27). Thus, Claims 10-12 are found

to be unpatentable over considerable consideration of the teachings of Fernandez.

11.   Claim 4 is additionally rejected under 35 U.S.C. 103(a) as being unpatentable

over the combined teachings of US Patent US 6,697,103 B1 to Fernandez in view of US

Patent US 6,286,039 B1 to Van Horne.

12.   Regarding Claim 4, Fernandez discloses the retransmitting of the DSL

demonstration kiosk IP address upon reboot of a kiosk, (Col. 15, lines 32-40; Col. 17,

lines 1-21; Col. 18, lines 35-48; and Col. 19, lines 15-26). Examiner notes the inclusion

of a diagnosis and corrective-action tool as incorporated within Fernandez capable of

ping testing. Though obvious, as noted herein above, Fernandez does not specifically

mention a "reboot" for resolution of a problem with a defective server site. Van Horne

specifically teaches a network management server capable of monitoring error

conditions, failure detection and remote reboots, (Van Horne - Col. 23, lines 8-10 & 61-

67; & Col. 24, line 1). To incorporate the Van Horne remote reboot into the Fernandez

diagnostic system would have been obvious as a means of corrective-action tool, as

noted within Fernandez. Additionally, Examiner notes both systems utilize IP addresses

and "ping" means. Thus, Claim 4 is found to be unpatentable over the combined

teachings of Fernandez in view of Van Horne.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-

272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

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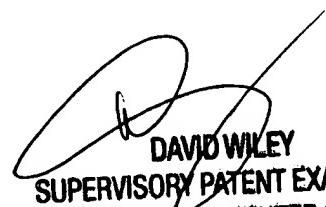
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